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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,538	02/26/2002	Koji Kunii	450100-03802	2783
20999	7590	07/26/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHEPARD, JUSTIN E	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/085,538		KUNII ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Justin E. Shepard		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 7/13/06 have been fully considered but they are not persuasive.

Page 7, third paragraph, lines 1-3:

The phrase "a portable information terminal apparatus" recited in the "preamble" was not given any patentable weight because the phrase is merely a recitation with respect to the manner in which the claimed system is intended to be employed and does not differentiate the claimed system from the prior art, which satisfies the structural limitations set forth.

Page 7, third paragraph, lines 3-4 and 6-8:

The applicant argues that Bowser does not contain a "second display controlling means." The cited portion from Bowser refers to the PDA to which Bowser discloses transfer of the EPG data. In the rejection of claim 3, the passage cited in Bowser (column 7, lines 31-39) refers to the viewer reviewing the program guide on the PDA. The examiner interprets this as the PDA displaying the program guide, and therefore the PDA meets the limitation of a second display controlling means. The rejection stands.

Page 8, first paragraph:

The applicant argues that Newberry does not disclose "extracting means extracting a time" or retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcasted in a time slot." The system disclosed in Bowser is a system to transfer the program guide to a PDA for viewing the program guide on the PDA. Newberry discloses a system for looking for alternative programs being shown during the time segment. Figure 7, for example, shows all of the programs being broadcast starting at 8:00. Thus, as you look at what is on channel 1 at 8:00 you can see what other channels are broadcasting at the same time period. The rejection stands.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowser in view of Newberry.

Referring to claim 1, Bowser discloses a portable information terminal apparatus comprising:

acquiring means for acquiring a plurality of pieces of program information  
(column 4, line 60);

first display controlling means for controlling display on a display screen of said program information acquired by said acquiring means (column 4, lines 60-63);

second display controlling means for controlling display on said display screen of said other program information after retrieval by said retrieving means (column 5, lines 2-6).

Bowser does not disclose an apparatus with extracting means for extracting a time included in said program information; and retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot relative to said program information.

Newberry discloses an apparatus with extracting means for extracting a time included in said program information; and retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot relative to said program information (column 1, lines 53-57).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the time segment extraction taught by Newberry in the apparatus disclosed by Bowser. The motivation would have been to provide a small amount of data to the PDA as it has a limit of how much information it can display at one time (Bowser: column 7, lines 18-20).

Claims 5, 6, and 7 are rejected on the same grounds as claim 1.

Referring to claim 2, Bowser does not disclose a portable information terminal apparatus according to claim 1, wherein said time is a broadcast start time.

Newberry discloses a portable information terminal apparatus according to claim 1, wherein said time is a broadcast start time (column 1, lines 53-57; Note: it would be inherent that a time segment would contain beginning and ending times).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the time segment extraction taught by Newberry in the apparatus disclosed by Bowser. The motivation would have been to provide a small amount of data to the PDA as it has a limit of how much information it can display at one time (Bowser: column 7, lines 18-20).

Referring to claim 3, Bowser discloses a portable information terminal apparatus according to claim 1, further comprising third display controlling means which, if any program name is selected by a user performing an operation from among said other program information displayed on said display screen under control of said second display controlling means, then controls display on said display screen of detailed program information about the selected program information (column 7, lines 31-39; Note: the favorite channel creating system is being interpreted as the third display controller).

Referring to claim 4, Bowser discloses a portable information terminal apparatus according to claim wherein, said other program information cannot be displayed entirely

at one time on said display screen, then said second display controlling means calls up an un-displayed part of said other program information for display based on an operation performed by a user (column 7, lines 18-20 and 31-32).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



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